

Mar 19, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ERLINDA M.,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL

SECURITY,

Defendant.

No. 2:18-cv-00324-MKD

**ORDER DISMISSING
COMPLAINT WITHOUT
PREJUDICE FOR LACK OF
PROPER SERVICE**

Before the Court is Plaintiff's *pro se* Complaint filed on October 17, 2018. ECF No. 3. The parties consented to proceed before a magistrate judge. ECF No. 5.

The Court record indicates the Complaint has not been timely served on Defendant and Defendant has not appeared. See Fed. R. Civ. P. 4(i)(1)(A), 4(m). On February 11, 2019, the Court directed Plaintiff to show cause by March 11, 2019, why this matter should not be dismissed for failure to effectuate timely service of the Complaint. ECF No. 7. Plaintiff was advised that good cause could be shown by effectuating and proving service or by otherwise explaining the

1 failure for timely service and requesting an extension of time. ECF No. 7 at 2. To
2 date, the Court has received no response to the show cause order.

3 Pursuant to Federal Rule of Civil Procedure 4(m), if proper service of the
4 summons and complaint is not made within 90 days of the filing of the complaint,
5 the Court, after giving notice to Plaintiff, “must dismiss the action without
6 prejudice against that defendant” Fed. R. Civ. P. 4(m). The deadline for
7 service, January 15, 2019, has passed.

8 Accordingly, it is hereby ordered:

9 Plaintiff’s Complaint, ECF No. 3, and the claims therein are **DISMISSED**
10 without prejudice.

11 The District Court Executive is directed to file this Order, mail a copy to
12 Plaintiff, and **CLOSE THE FILE**.

13 DATED March 19, 2019.

14 s/Mary K. Dimke
15 MARY K. DIMKE
16 UNITED STATES MAGISTRATE JUDGE
17
18
19
20